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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, September 24, 2013, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	Tuesday, November 26, 2013

MEETING MINUTES

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Duwayne Casini, Professional Member, Secretary
Bill Torbert, Professional Member
S. Keith Parsell, Professional Member
Mary Byrd, Public Member

MEMBERS ABSENT

Marceline Knox, Public Member
Danna Levy, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Kevin Maloney, Deputy Attorney General
Sheryl Paquette, Board Liaison
Bob Powers, Board Liaison

OTHERS PRESENT

Bennie Smith

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:04 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the July 30, 2013 meeting. Ms. Byrd made a motion, seconded by Mr. Parsell, to approve the minutes as corrected. The motion carried unanimously.

UNFINISHED BUSINESS

Miller Funeral Establishment Permit

The Funeral Services Board continued their discussion regarding the Business Establishment License application for Mr. Miller. Mr. Parsell was concerned that the Rules and Regulations stated that the establishment must have a specific area for arrangements and funeral services and that Mr. Melvin's letter stated that these actions were performed "off-site". Mr. Maloney stated that he read the code as saying the rule is for the establishment itself and not the person applying for the application. Additionally, Mr. Maloney pointed out that Mr. Miller must meet one of the listed requirements, not all. The Board concluded that they would be satisfied if Mr. Melvin could produce another letter saying that Mr. Miller could perform those services at his establishment.

Mr. Parsell was also concerned about the Advertising Code and how it applied to two different businesses using the same address and phone number for advertisements. Mr. Chandler proposed that the Board generate a letter to send to Mr. Miller and Mr. Melvin, requesting a letter back from Mr. Melvin stating that an office for preparing arrangements and an area for funeral services are available to Mr. Miller. Additionally, the letter will state the Rules and Regulations of the Advertising Code so both parties are aware of proper procedure. Ms. Byrd proposed a motion, seconded by Mr. Torbert, that the letter be sent out and the application be approved contingent on Mr. Melvin approving the use of his facilities and being aware of the Advertising Code. By unanimous vote, the motion carried. Mr. Maloney stated that he would like to review the letter before it is sent.

Bennie Smith – Compliance Issue

Mr. Smith was not present at the meeting at the moment the Board addressed his issue on the agenda. Because of this, Mr. Maloney stated that the Board now had two options; the first being to send him a letter reminding him of his requirement to come to three Board meetings and brief the Board as ordered. The second was to hold a Rule-To-Show-Cause hearing during their next Board meeting for non-compliance of his order. Ms. Byrd felt that Mr. Smith was ignoring the Board and wanted him to appear before them and explain. The Board explained the case to Mr. Casini who was newly appointed to the Board. Ms. Byrd made a motion, seconded by Mr. Torbert, to have Mr. Smith show up for a Rule-To-Show-Cause hearing at their next Board meeting. By unanimous vote, the motion carried.

At 10:35 a.m. Mr. Smith arrived to the meeting. The Board recognized Mr. Smith and he then briefed the Board on the completion of his CE credits as required by the Board, as well as how he had trained his staff. He was reminded that he needed to be present for the next two Board meetings to brief the Board again. Mr. Maloney recommended that he bring in any written material that was handed out to his staff, for the purpose of showing the Board his training materials. After talking to Mr. Smith, the Board decided to strike the previous motion.

NEW BUSINESS

RATIFICATION OF LICENSURE

Sara Chandler, Funeral Resident Intern

Joshua Schoenberg, Funeral Resident Intern

Mr. Parsell made a motion, seconded by Ms. Byrd, to ratify the above licenses as specified. The motion carried unanimously.

REVIEW OF RESIDENT INTERN REPORTS

There were no Resident Intern reports to review.

REVIEW OF APPLICATIONS FOR LICENSURE

Laura Smith, Funeral Resident Intern

Ms. Smith's application was reviewed by Mr. Casini. He originally thought the application was in order and Ms. Byrd made a motion to approve the license, which Mr. Parsell seconded and the Board unanimously voted for approval. Later in the meeting, Mr. Torbert noticed that she had not passed her National Examination Boards. Mr. Chandler made a motion to send Ms. Smith a letter saying that she had to pass her examinations and then she could reapply. Mr. Torbert moved to approve and Ms. Byrd seconded. Ms. Paquette pointed out that her application would not change so she does not need to resubmit her application just turn in her passing exam scores. Later in the meeting, Mr. Casini noticed that rule 3107(a)3 and statute 2.4 says that exams can be taken during the internship and were not required for approval of her internship license. Ms. Byrd made a motion to approve the application and Mr. Parsell seconded. The Board approved unanimously.

Kevin Smith, Funeral Director

Mr. Smith's application was reviewed by Mr. Torbert. He stated that Mr. Smith is licensed in Florida and is requesting to be licensed in Delaware by Reciprocity. The Board asked if Florida's licensing standard was similar to Delaware. Ms. Paquette did some research and showed that Florida had similar requirements. Reviewing the package, it was noted that Mr. Smith has not taken the Delaware Law Exam. Mr. Parsell made

a motion to approve Mr. Smith's application pending successful completion of the Delaware Law Exam. Ms. Byrd seconded and the motion was unanimously approved.

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Education Workers Group AKA FuneralContinuingeducation.com

Working with the Cemetery- Online Course, Requesting 2 CEUs

Mr. Parsell reviewed the continuing education application from Education Workers Group.

Trigard

Trigard Universities: Profitable Presentation- multiple dates, Requesting 7 CEUs

Mr. Parsell reviewed the continuing education application from Trigard.

Mr. Parsell made a motion, seconded by Mr. Casini, to approve both of the above listed courses as presented. The motion passed unanimously.

Joint Sunset Review Process

The Board President was given a questionnaire for the Board to fill out during the Joint Sunset Review process. Ms. Paquette stated that the Department of Professional Regulation's Deputy Director, Ms. Kay Warren was still working on gathering the information requested by the Joint Sunset Review. Ms. Byrd suggested that everyone review the questionnaire and bring their responses to the November meeting for discussion. Mr. Maloney suggested that the Board review the recommendations from 1997 and to keep those in mind when answering the questions. Mr. Parsell stated that certain recommendations no longer apply to the current Rules and Regulations; in particular Recommendation #6 regarding the suggested education requirement of Funeral Directors. He said it was reviewed and changed long ago. The Board members agreed to work on the questionnaire at their November meeting.

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Closed by Attorney General's office

None

Closed by Division of Professional Regulation

None

HEARING OFFICER RECOMMENDATIONS

None

CONSENT AGREEMENTS

None

CORRESPONDENCE

International Conference of Funeral Service Examining Boards 2014 Fee Change

Mr. Chandler briefed the Board on the Examining Boards fee change that will be implemented January 1, 2014. The new examination fee will be \$250.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Mr. Parsell talked about the Funeral Establishment license. He said the application inquires about a specific list of items that the applicant should have available but that this list is not published anywhere in the Rules and Regulations. He asked how the application can ask for this when it is not made available. Mr. Maloney stated it should be acceptable, and that the information would allow the Board to make their decision to approve the application.

Mr. Parsell also asked a question regarding the Delaware State Law exam. There are questions on the exams regarding state laws that do not pertain to Delaware and have nothing to do with the Board's code. Mr. Parsell asked if any review was done on those questions to determine their validity in the state of Delaware.

Additionally, some questions pertained specifically to Delaware Crematory codes, which do not intermingle with Funeral Service Directors in Delaware. Ms. Paquette stated that the Board Liaison will have to go out to the exam issuing body to try to get a copy of questions for review.

Mr. Parsell was also concerned that the Board is a “complaint based Board,” as in, “complaints are made by the public and issues are brought to the Board.” He asked if the Board was able to bring violations in themselves since the general public does not know that certain things are violations. The consensus of the Board was that anyone may file a complaint and the Board does not need a special rule to report something.

Death Certificates and Autopsies – Transportation Issue for out-of-state cases, exemption

After two recent situations involving “transportation of a body” within the state, the question was posed to the Board if the person ‘transporting’ would need a limited license, or would they fall under the ‘transportation’ exception of ‘§3118 Exemptions’ under the law. Two recent cases were reviewed by the Board and the Board agreed that anyone transporting a body should be a representative of a licensed facility, and a permit should be signed by the Funeral Director before the body is transported out of state. The issue will be addressed during the Sunset Review process.

PUBLIC COMMENT

None

NEXT MEETING

The next Board meeting will be held on Tuesday, November 26, 2013, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Mr. Parsell made a motion, seconded by Ms. Byrd, to adjourn the meeting at 11:42 a.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Sheryl Paquette
Board Liaison

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.